

**STAFF REPORT  
C15**

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08/17/17  
PRC 3391.1  
N. Lee

**AMENDMENT OF LEASE AND REVISION OF RENT**

**LESSEE:**

Dollar Point Association, Inc.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 3000 Edgewater Drive, near Dollar Point, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, swim line, 63 mooring buoys, and two marker buoys.

**LEASE TERM:**

10 years, beginning September 1, 2011.

**CONSIDERATION:**

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends rent be revised from \$1,879 to \$1,957 per year, effective September 1, 2017.

**PROPOSED AMENDMENT:**

Amend the lease to replace the existing Exhibit B, Site and Location Map with the attached Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and the State's Best Interests Analysis:**

On January 26, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Dollar Point Association, Inc., beginning September 1, 2011, for an existing pier, swim line, 63 mooring buoys, and

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two marker buoys ([Item C28, January 26, 2012](#)). That lease will expire on August 31, 2021.

Staff conducted the rent review called for in the lease and recommends an increase in the annual rent. When the lease was authorized on January 26, 2012, the lessee met the statutory requirements for an exception to changes made to Public Resources Code section 6503.5, which as originally enacted exempted private recreational piers and mooring buoys from rent when operated by associations consisting of natural persons who own single-family dwellings on the littoral, or upland property. The lessee is a homeowners association that consists of 569 member units. Upon issuance of the lease, 4 percent of the members did not qualify for rent-free status. The rent was prorated accordingly. Upon review of the current list of member units, 4 percent of member units still do not qualify for rent-free status. Rent for the swim line and marker buoys are not prorated because they did not qualify for rent-free status under former Public Resources Code section 6503.5.

Staff recommends the rent be revised to \$1,957 per year based on changes to the impact area for the pier and application of the 2012 Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new, reduced lease (impact) area.

The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State at this time.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and the revision of the rent are not projects as defined by the California Environmental Quality Act, because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

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**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed amendment of Lease No. PRC 3391.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; find these actions are consistent with the common law Public Trust Doctrine and are in the best interests of the State.

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 3391.1, a General Lease – Recreational Use, effective September 1, 2017, to replace the existing Exhibit B, Site and Location Map, with the attached Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 3391.1 from \$1,879 to \$1,957 per year, effective September 1, 2017.

**EXHIBIT A**

**PRC 3391.1**

**LAND DESCRIPTION**

A parcel of submerged land lying in the bed of Lake Tahoe, adjacent to fractional Section 33, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

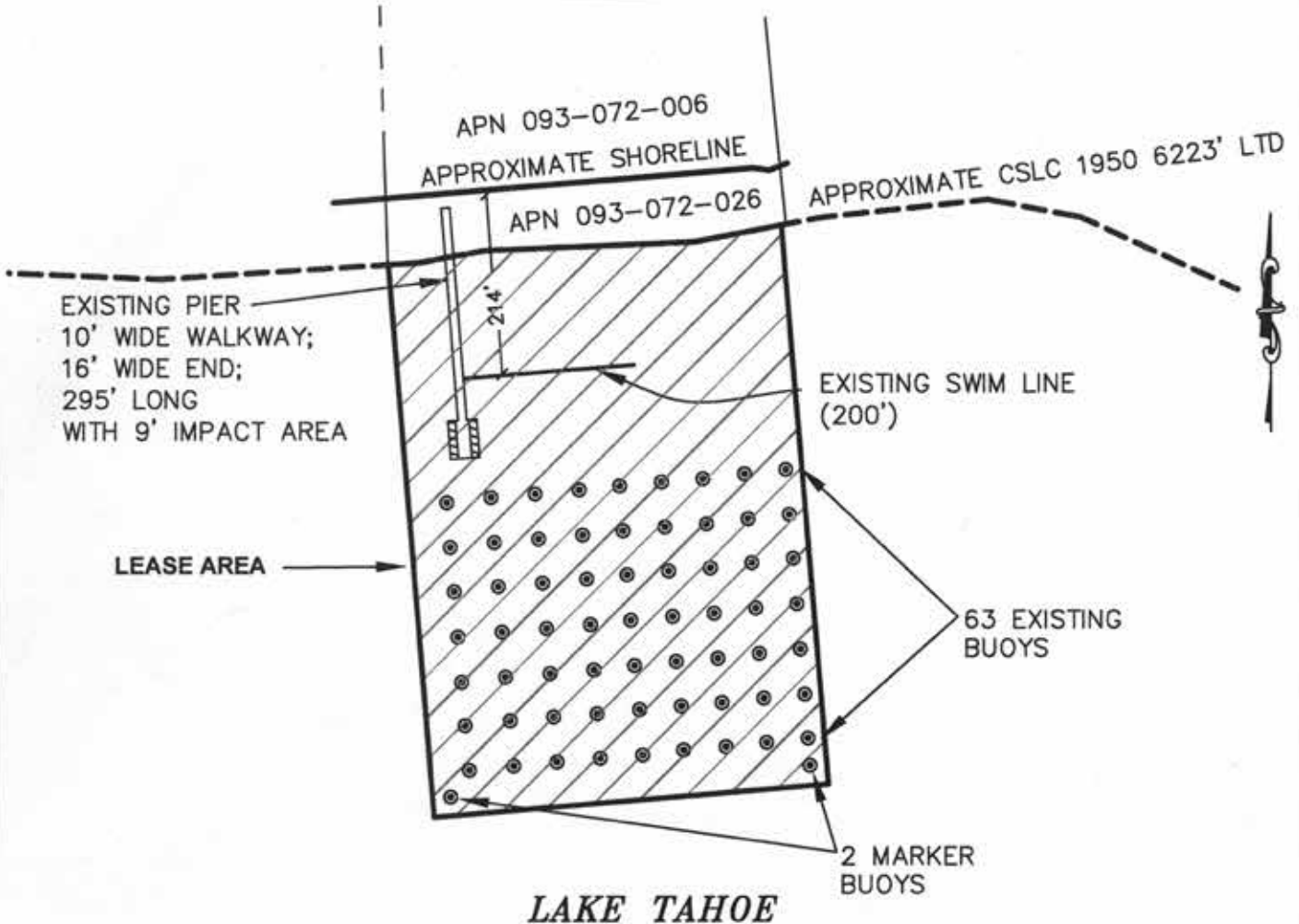
BEGINNING at a point on the line of the historic Low Water Mark, as depicted on sheet 13 of those maps entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe", filed in Book 2 of Surveys at Page 71, Placer County Records, said point lying distant S 79°17'13" W 46.30 feet from Station 278 as shown on said map; thence along said line of Low Water Mark S 79°17'13" W 104.33 feet to Station 277 as shown on said map; thence S 87°41'27" W 248.20 feet to Station 276 as shown on said map; thence S 79°33'45" W 77.28 feet to Station 275 as shown on said map; thence S 86°27'31" W 36.37 feet; thence leaving said line of Low Water Mark S 4°44'30" E 650.57 feet; thence N 85°15'30" E 465 feet; thence N 4°44'30" W 657.80 feet to the POINT OF BEGINNING.

**END OF DESCRIPTION**

Prepared 5/16/2017 by the California State Lands Commission Boundary Unit.

NO SCALE

# SITE

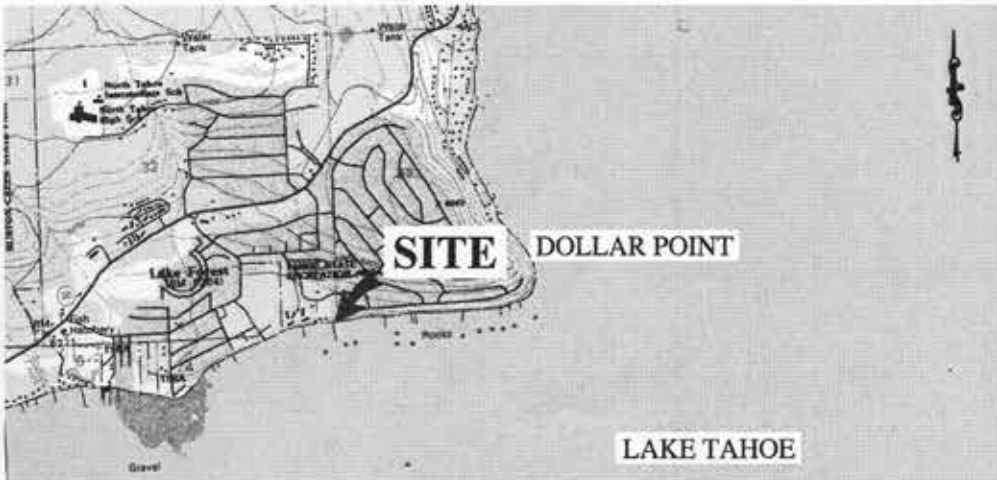


## LAKE TAHOE

3000 EDGEWATER DRIVE, NEAR DOLLAR POINT

NO SCALE

# LOCATION



# Exhibit B

PRC 3391.1  
DOLLAR POINT  
ASSOCIATION  
APN 093-072-006 & 093-072-026  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



RGB 5/16/17

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.